



**RICE DANIEL**  
ATTORNEY GENERAL

# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS

July 31, 1948

Hon. Hall H. Logan, Chairman  
State Board of Control  
Austin, Texas

Opinion No. V-644

Re: Construction of the appropriation for establishing the Weaver H. Baker Memorial Tuberculosis Sanatorium and the appropriation for the support and maintenance thereof for the current fiscal year.

Dear Sir:

Your letter requesting an opinion of this office in part reads:

"There is hereby appropriated for the fiscal year ending August 31, 1948, the sum of Five Hundred Fifty Thousand (\$550,000.00) Dollars for the conversion and securing of title to Moore Field near Mission, Texas, in accordance with Senate Bill No. 147, Acts of Regular Session, 50th Legislature, 1947, and establishing the Weaver H. Baker Memorial Tuberculosis Sanatorium. In the event Moore Field cannot be secured the Board of Control shall have authority to establish said Sanatorium at such other place as the Board of Control may direct. For the fiscal year ending August 31, 1949, the unexpended balance of Five Hundred Fifty Thousand (\$550,000.00) Dollars is reappropriated for conversion. (For the fiscal year ending August 31, 1948, there is appropriated the sum of Three Hundred Ten Thousand (\$310,000.00) Dollars to the Weaver H. Baker Memorial Tuberculosis Sanatorium for salaries, operation, support, maintenance, general improvements, repairs and contingent expenses.) For the fiscal year ending August 31, 1949, there is appropriated Six Hundred Thousand (\$600,000.00)

Dollars for salaries, operation, support, maintenance, general improvements, repairs and contingent expenses. Upon the establishment of such hospital, patients shall be admitted thereto in accordance with the laws, rules and regulations applicable to the admission of patients to the State Tuberculosis Sanatorium at Carlisbad, Texas.

"Complying with the above quoted Legislative Act the Comptroller of Public Accounts credited the following appropriation accounts for the current year:

| <u>No.</u> | <u>Description</u>  | <u>Amount</u> |
|------------|---|---------------|
| K-696      | For the conversion and securing of Title to Moore Field near Mission, Texas, in accordance with S.B. 147, R.S. 50th Legislature, and establishing the Weaver H. Baker Memorial Tuberculosis Sanatorium. In the event Moore Field cannot be secured the Board of Control shall have authority to establish said Sanatorium at such other place as the Board of Control may direct. | \$ 550,000.00 |
| K-697      | For Salaries, operation, support, maintenance, general improvements, repairs and contingent expense.  | 310,000.00    |

"Title to the Moore Field Properties has been acquired by the State and this Board is now engaged in converting the acquired properties to a Tuberculosis Hospital. There are no patients at this institution and none are anticipated until conversion of the properties is completed.

"In accordance with instructions from this Board most of the expenses of this project have been paid from appropriation K-697 described above. However, the Comptroller of Public Accounts has questioned a number of these items (see attachments).

"In our opinion, appropriation K-696 is available for any expenses connected with the conversion of this property. Since all expenses now being incurred are the direct result of the program, to convert this war time army air field to a State Tubercular Hospital; it would appear that all invoices, and payrolls covering these expenses might properly be charged to appropriation K-696.

"We would appreciate your opinion."

The pertinent part of Senate Bill No. 147, Acts 50th Legislature, page 58, is Section 1, which reads:

"Section 1. The State Board of Control is hereby authorized to negotiate for and to acquire from the United States Government, or any agency thereof, by gift, purchase, or lease-hold, for and on behalf of the State of Texas, for use in the State eleemosynary service, and in the establishment of state tuberculosis Sanatoriums, any lands, buildings, and facilities within the State of Texas, and any personal properties wherever located, and to take title thereto for and in the name of the State of Texas."

In accordance with the authority conferred upon the Board by Senate Bill No. 147 and appropriation No. K-696, it secured for the State of Texas title to Moore Field and many buildings situated thereon, and is now engaged in doing those things which in its judgment are necessary to convert the premises into an established tuberculosis sanatorium. "There are no patients at this institution and none are anticipated until conversion of the properties is completed."

Your Board is of the opinion that any expense incurred by it in connection with the conversion of this property into a tuberculosis sanatorium is properly payable from appropriation No. K-696. You have submitted to the Comptroller, for his approval and payment out of appropriation No. K-696, several accounts for such items as kerosene, thriftane, groceries, vegetables, paper towels, rugs, chairs, tables, and other furniture, postage stamps, and a typewriter. The Comptroller refused to approve any of these accounts for payment from this appropriation because, in his opinion, such expenditures are only payable from appropriation No. K-697.

After a careful consideration of Senate Bill No. 147 and appropriations Nos. K-696 and K-697, we have concluded that the Legislature

intended for the Board, after it had acquired title to Moore Field, to do those things which in its judgment were necessary to put the Field and the buildings thereon in suitable condition for use and occupancy as a tuberculosis sanatorium, and to pay expenditures incurred for such purposes out of appropriation No. K-696. It is our further opinion that expenditures for furniture, equipment and supplies of every kind and character necessary to make any building suitable for use and occupancy for the purpose for which it was designed are properly payable from this appropriation.

You have informed us that all of the above mentioned expenditures have been in connection with the conversion and equipping of such installation for hospital purposes, including the groceries and vegetables being furnished carpenters and other employees now engaged in such work. Under these conditions the items may be paid from appropriation K-696.

SUMMARY

Any expenditure made by the State Board of Control for the purpose of putting Moore Field in suitable condition for use and occupancy as a tuberculosis sanatorium may be paid from appropriation No. K-696 (Acts 50th Leg., p. 607).

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By *Bruce W. Bryant*  
Bruce W. Bryant  
Assistant

BWB:wb:vmb

APPROVED:

*Price Daniel*  
ATTORNEY GENERAL